

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALTER BECK CORPORATION d/b/a THE)	CIVIL DIVISION
RAINBOW INN,)	
)	Civil Action No. 04-348 - Erie
Plaintiff,)	
vs.)	JUDGE MAURICE B. COHILL, JR.
)	
SAFECO CORPORATION, AMERICAN)	
ECONOMY INSURANCE COMPANY, and)	<u>ELECTRONICALLY FILED</u>
AMERICAN STATES INSURANCE)	
COMPANY,)	
)	
Defendants.)	

AFFIDAVIT OF ROBERT J. BECK

STATE OF OHIO)	
)	SS:
COUNTY OF HURON)	

Before me, a Notary Public, personally appeared Robert J. Beck, who being duly sworn, deposes and says as follows:

1. My name is Robert J. Beck, an adult individual residing in the State of Ohio. I state that the facts contained in the within Affidavit are based upon my own knowledge and personal information.
2. I have been in the security business since 1980 and have installed and inspected hundreds of fire suppression systems.
3. I was the supplier of the component parts for the fire suppression and burglar/fire alarm systems installed at The Rainbow Inn in or about 1990. From 1996 on I was directly involved as an advisor and inspection certifier with respect to the fire suppression and burglar/fire alarm systems until the time that The Rainbow Inn ceased operations due to the December 5, 2003 fire ("the Fire").

4. At various times, certain components, wiring and even entire systems were replaced due to lightning strikes, changes in technology, etc., but at all times fully functioning fire suppression and burglar/fire alarm systems were in place at The Rainbow Inn.

5. The fire suppression system remained intact and operational until The Rainbow Inn was burned in the Fire.

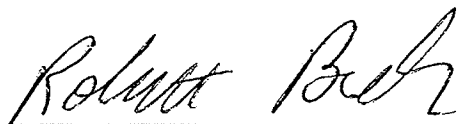
6. In fact, I last inspected the fire suppression system installed at The Rainbow Inn on November 24 through November 26, 2003 at which time I found it to be in good working order.

7. By way of further statement, I incorporate by reference my February 20, 2005 letter directed to Joshua R. Lorenz of the law firm of Meyer, Unkovic & Scott LLP attached hereto as Exhibit "A" as though the same were fully set forth at length herein.

8. I state that if called to testify under oath in the above-captioned matter, I would testify to the facts and opinions set forth in the within Affidavit, including but not limited to those set forth in Exhibit "A" attached hereto.

9. The facts set forth herein are true and correct of my own knowledge and personal information.

Nothing sayeth the Affiant further.




ROBERT J. BECK

Sworn and subscribed to
before me this 12 day of
May, 2006.



Notary Public


DENISE M. VanVLERAH
Notary Public - State of Ohio
My Commission Expires 4-6-2008

R.J. Beck Protective Systems Inc.

February 20, 2005

P.O. BOX 814 • NORWALK, OHIO 44857 • (419) 668-3056

Mr. Joshua R. Lorenz
Meyer, Unkovic & Scott LLP
1300 Oliver Building
Pittsburgh, PA 15222-2304

Dear Mr. Lorenz:

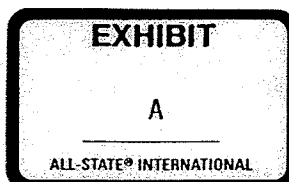
At the request of my sister-in-law, Sharyn Beck, I am writing to you to give you the details of the Halon Fire Suppression System in the Rainbow Inn, Marshburg, PA 16738.

To the best of my recollection the system was installed when the Rainbow Inn was remodeled into a restaurant and bar in 1990. My brother, Harold (also known as Bud), purchased the components of the fire suppression system for the kitchen including control panel, tanks, associated hardware, wiring, and rotating nozzle heads through me and I had them dropped shipped at his home in Marshburg. I supplied him with all the components of a UL listed system. At the same time I also supplied him with a fire and burglar alarm system for the bar and restaurant itself. My brother, a qualified burglar and fire alarm system installer, installed these systems himself. These systems were operational from the time the Rainbow Inn opened for business in the spring of 1990.

While the systems (Fire Suppression and Burglar/Fire Alarm) remained in tact and operational from that day on, there were times various components and at times, even entire systems including wiring were replaced. From about 1996 on I was directly involved as an advisor and inspection certifier of the systems while my brother, Bud, performed routine maintenance verifying they were operational. Because of damage due to lightning strikes and changes in technology changes were made as necessary. That included the tanks themselves that were replaced at least twice, the most recent time in 2001.

I made several trips a year to Marshburg. I would visit him around his birthday (June 14th) and again at Thanksgiving. There were also other times when business took me to the area I would drop in and say hello. On each and every occasion I took the liberty of inspecting the systems and verifying they were operational. Such was the case on November 24, 25, & 26, 2004. During that trip I took extra time to verify the systems were operational.

I did so because there had been several attempts to break into the Rainbow Inn and my sister-in-law was worried that the system, burglar alarm in particular, could be compromised.



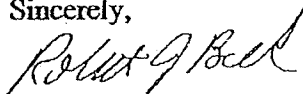
I took extra care to verify each door contact was operational and all electrical systems, including back up battery systems were at peak performance. I also took the time to verify the Halon Fire Suppression System was operational. Keep in mind this was a supervised system that could detect any trouble on the system and would indicate so with a trouble light on the control panel. When I inspected the system there was no trouble and the green ready light was on indicating the system was operational. I verified the two detector heads in the kitchen were clean and had no reason to believe the system was not able to function if it needed to do so.

I have been in the security business since 1980 and have installed and inspected hundreds of systems similar to the ones installed in the Rainbow Inn. These were not unique. The only thing that distinguished it from others was my brother's penchant for using Halon, a very effective and clean extinguishing agent.

I am prepared to travel to testify on behalf of my sister-in-law if necessary. The fire suppression system at the Rainbow Inn was operational the week immediately before the fire. I gave her a written certification that both the Burglar/Fire Alarm System and the Fire Suppression System were operational at the time. I did this as a courtesy to her but did not retain a copy for my records. At the time I saw no reason to.

If you require more detailed information please feel free to contact me. I travel quite a bit but if you leave a message I will respond as soon as I can.

Sincerely,



Robert J. Beck

President, RJ Beck Protective Systems, Inc.